

# IN SUPPORT OF THE BUILD BACK BETTER ACT

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise today in support of the Build Back Better Act, which makes critical investments to green our economy and protect our environment.

The Committee on Oversight and Reform's portion of this bill provides nearly \$12 billion to transition Federal fleets, including the Postal Service, to electric vehicles, making the United States a leader on climate change by building an environmentally friendly fleet of the future.

I am especially pleased that we have included dedicated funding for implementation of the President's Justice40 Initiative, a commitment to ensure that at least 40 percent of the benefits of infrastructure investments go to communities most impacted by environmental injustice.

The Build Back Better Act is a crucial piece of legislation that will promote equity and protect our environment.

Mr. Speaker, I urge my colleagues to support it.

# IN SUPPORT OF LIEUTENANT COLONEL STUART SCHELLER

(Mr. CAWTHORN asked and was given permission to address the House for 1 minute.)

Mr. CAWTHORN. Mr. Speaker, Lieutenant Colonel Stuart Scheller is an American patriot who dared to speak the truth.

He knew that a 4-minute and 45-second video could bring his storied 17-year career in the United States Marine Corps to a screeching halt, but he did not care.

He laid it all down and spoke truth to power.

He said what every other service-member knew in their heart was true: The incompetence of the Biden White House cost American lives.

Their sin was unpardonable and deadly. Lieutenant Colonel Scheller called them out, but they couldn't handle the criticism.

He was ordered to undergo mental health screening because he stood up to incompetence. Today, right now, this very second, he sits behind bars in my home State of North Carolina, shackled in a military brig, while those who orchestrated Biden's incompetent Afghanistan withdrawal walk free.

Mr. Speaker, this is a stain on our Nation's conscience. Lieutenant Colonel Stuart Scheller must be released.

# IN SUPPORT OF THE BIPARTISAN INFRASTRUCTURE PACKAGE

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Mr. Speaker, I rise in support of the bipartisan infrastructure package.

We have heard the stories of cracked roads, crumbling bridges, flooded farm fields, even kids doing homework from fast food restaurants so they can gnom onto the internet access.

Sadly, this isn't the exception. It is the status quo, and it is time to fix it.

In my corner of Illinois, 1 in 10 bridges is classified as structurally deficient, 1 in 3 roads is rated in poor or mediocre condition, and 1 in 4 households don't have internet access of any kind.

Our communities deserve much better than this. Americans deserve much better than this.

Now is the time to think boldly in this once-in-a-generation investment in rebuilding America. Now is the time to create millions of good-paying union jobs. Now is the time to lay the foundation for the economic opportunity for years to come.

There is plenty of work left to do. But if we do it together, we can get it done.

# CONSTITUENTS WILL REMEMBER THE RESULTS, NOT THE PROCESS

(Mr. AUCHINCLOSS asked and was given permission to address the House for 1 minute.)

Mr. AUCHINCLOSS. Mr. Speaker, in the coming days and weeks, the Democratic Caucus will have a once-in-a-generation opportunity to make transformative change for our children. But if you turn on the news, you will see, instead, a narrative about winners and losers within our party.

This is not about winners or losers in the Democratic Party. It is about delivering together on our bold vision. Our constituents are going to remember the results, not the process.

That is why we have to come together to make good on our commitment to address the climate crisis, to invest in infrastructure and create jobs, and to lower costs for working families through tax cuts, support for early education, and healthcare.

We have an obligation to pass both the Build Back Better Act and the bipartisan infrastructure framework, and we are going to get both done, strengthening our country and creating a better future for our children.

# COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DEUTCH) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 28, 2021.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 28, 2021, at 9:38 a.m.:

Appointment:  
Smithsonian American Women's History Museum Advisory Council.

With best wishes, I am,

Sincerely,

CHERYL L. JOHNSON,  
Clerk.

□ 1215

# INFRASTRUCTURE INVESTMENT AND JOBS ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion to concur in the Senate amendment to (H.R. 3684) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with the Senate amendment thereto will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will redesignate the Senate amendment and redesignate the motion to concur.

The Clerk redesignated the Senate amendment and redesignated the motion to concur.

The SPEAKER pro tempore. The gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Missouri (Mr. GRAVES) each have 10 minutes remaining.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and, more importantly, I thank him for his tremendous leadership. His understanding of infrastructure in our country and the way to build it in a green way to honor our commitment to our children is something that is a blessing to the Congress.

For decades he has served on the Transportation and Infrastructure Committee, and he has done so in a way that has taken us into the future.

But we haven't had a bill in a while, and so I thank him for his INVEST in America Act that he had earlier that is not all reflected here, but nonetheless hopefully we will see some provisions in the Build Back Better Act.

I rise in support of the bipartisan infrastructure bill, the Infrastructure Investment and Jobs Act, which is about jobs, jobs, jobs, jobs. Support for this legislation is bipartisan, bicameral, and respectful of the needs of workers and communities across the country.

Following the vision of President Biden, the bipartisan infrastructure bill addresses a great need in America which has been neglected for decades, as I mentioned. Our roads, bridges, and water systems are crumbling. Some water systems are over 100 years old. Mr. Speaker, made of brick and wood.

Our electric grid system is vulnerable to catastrophic outages.

We must not only rebuild the infrastructure for the 21st century economy, we must rebuild the middle class, creating good-paying American jobs and turbocharging American competitiveness and growth. These are connected.

Again, I thank President Biden. He said: I am happy to work in a bipartisan way in order to have an infrastructure bill where we come to agreement, but I will not confine my vision to that piece, that legislative piece. We must build back better.

I think it is very important to note for people across the country who have seen infrastructure in the past come in and divide their communities, perpetuate injustices, environmental injustices in their communities, that it is necessary for us to build back better in a way that empowers.

When I say “rebuild the middle class,” it is about jobs, but it is about jobs in a new way; more inclusive for women, for people of color, for younger people to be engaged and trained with workforce training to participate in the new economy. With jobs and justice.

In the past our infrastructure bills have reinforced that environmental injustice and divided communities. The Build Back Better Act will undo that. With the passage of this bill, accompanied by the Build Back Better legislation, with its equity piece, much of that injustice, as much as possible, will be reversed.

It is about building up. It is not about trickle-down: Oh, this is what we are going to do and a lot of people will benefit and maybe you will get some of it. No. It is about meeting the needs of people, both for the water needs or transportation needs or infrastructure needs in many ways, but also that starts and then builds up.

Along with the Build Back Better Act, this prioritizes some aspects of justice and opportunity.

Let me be clear. While the investments in the bipartisan infrastructure bill are strong, historic down payments to build back better, we are not confining our vision—as the President has said, he is not confining his—for rebuilding infrastructure to this legislation.

We all know that we have to build back in a responsible way to meet our green climate initiatives, our goals, and our responsibilities in that regard.

Passing an infrastructure bill is always exciting for what it means in terms of jobs and taking our country into the future, and it has always been bipartisan over the years here. Not for a while because there was resistance when President Obama was President. We passed a bill, but it was not of the magnitude that we needed.

This is a step closer to a once-in-a-generation investment in our infrastructure, as the Conference of Mayors have said. Now we must go further to build back better.

I urge strong bipartisan support for this legislation.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BERGMAN).

Mr. BERGMAN. Mr. Speaker, I thank my colleague for his leadership on this extremely important issue.

I want to expose for my constituents the real truth about the so-called infrastructure portion of the Democrats’ destructive \$5.5 trillion package.

You can read for yourself in the bill that only a fraction of the funds go to roads, bridges, broadband, and other things people outside the swamp would generally consider infrastructure, a true and embarrassingly small drop in the bucket, considering the current state of Michigan’s infrastructure. By the way, our roads still haven’t been fixed.

But more importantly, I am asking you to read between the lines to understand that this package will stretch the long, intrusive arm of the Federal Government into your life, more than ever before. Your energy bill, your taxes, your job, your Nation’s borders, your economic freedom.

As your Representative, I can’t let this happen, and I urge my colleagues to oppose this bill.

Mr. DEFAZIO. Mr. Speaker, I yield myself 30 seconds. The gentleman once again conflates, confuses, confabulates. The bill before us is a bipartisan bill from the Senate, \$550 billion of new spending on top of the expected income. It is not \$3.5, \$4.5, \$5 trillion and doesn’t include all those other things. It does include roads, bridges, highways, transit, water, wastewater, drinking water, lead pipes, ports, airports, and broadband, which I think his constituents want.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. CLYBURN), the majority whip.

Mr. CLYBURN. Mr. Speaker, I thank the chairman for his leadership on this very, very important piece of legislation.

The Infrastructure Investment and Jobs Act will make critical investments, not just in roads and bridges. This legislation will also invest in transit, rail, electric vehicle charging stations, electric buses, airports, ports, water, energy, environmental remediation, and high-speed broadband internet. I will focus on this last category, the \$65 billion for broadband.

Millions of Americans are not connected to the internet. In my home State of South Carolina, nearly 1 in 10 households lack access to an internet connection, and even more cannot afford service. As a result, they cannot work remotely, cannot learn remotely, and cannot access telehealth. The internet is as essential to the 21st century as electricity was to the 20th century, and far too many Americans are left out.

That is why I worked closely with the House Rural Broadband Task Force, Chairman PALLONE, and mem-

bers of the Energy and Commerce Committee to craft comprehensive legislation to make high-speed broadband accessible and affordable for all. Our bill passed the House last Congress as part of the Moving Forward Act.

While the legislation we are considering today doesn’t include that bill in its entirety, and more action will be required, it does incorporate many of our bill’s essential principles. It gives preference to future-focused infrastructure, prioritizes persistent poverty communities, and includes oversight and accountability mechanisms.

The Infrastructure Investment and Jobs Act also invests in affordability and adoption. It requires an affordable option to be offered on newly-funded networks, extends the monthly discount on internet bills, and funds digital equity and inclusion projects.

Throughout our Nation’s history, communities in most need of Federal funds have all too often been the last in line.

Together with the Build Back Better Act, the Infrastructure Investment and Jobs Act will make America’s greatness accessible and affordable for all Americans. I urge passage of this legislation.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. Mr. Speaker, first I want to thank probably the most knowledgeable Member of Congress about infrastructure in this country and our needs, Mr. DEFAZIO, the chairman of the Transportation and Infrastructure Committee.

He and his committee, Mr. Speaker, and members of his staff have worked very long and very late hours over the past 2 years—and, frankly, longer than that, going back to the 116th Congress and the 115th Congress—to produce the legislation that served as a basis for this bipartisan bill. I also thank Chairman PALLONE and the members and the staff of the Energy and Commerce Committee, who contributed a great deal as well.

□ 1230

Mr. Speaker, during the course of the 2016 campaign, Donald Trump said he was going to invest a trillion dollars in infrastructure—a trillion dollars. In 2017, he became the President of the United States, and in 2017, 2018, 2019, 2020, no trillion-dollar infrastructure bill was offered to this House or to the Congress.

Mr. DEFAZIO, myself, the Speaker, and other leaders went down and met with President Trump. Mr. DEFAZIO was talking about the trillion dollars that the President talked about. He really thought there was probably more needed, but he was talking about the trillion dollars. The President said dismiss that, that is too little. It is not enough. We need at least \$2 trillion—President Trump, 2019.

What we have before us today, Mr. Speaker, is a product that reflects the needs of our economy, an infrastructure system in dire need of upgrade and expansion, and addresses some, but by no means all, of the realities of the climate crisis we face.

In fact, a bill which did a much better job passed this House, led by Mr. DEFAZIO. Unfortunately, it was not subject to conference, which is what the process ought to be.

However, this bill would enable our businesses to seize on the opportunities presented by those challenges and to create millions of good, new jobs in the process.

And I thank Mr. DEFAZIO for his leadership and advocacy.

We have before us legislation that will invest more than \$1 trillion in transportation networks—half of what President Trump said we ought to be doing, but a very significant step nonetheless—in expanding broadband access, in addressing climate change, and in helping our communities build back better and more resilient.

It would enact a major component of President Biden's Build Back Better agenda. This is part and parcel of the whole. This is a segment of what the President has rightfully called generational, transformational change.

I hope we can come together and pass this legislation, Mr. Speaker, with strong support from Democrats and Republicans. The Republicans have been browbeaten into opposing this bill, not because of substantive reasons, but for political reasons so that President Biden will not have a victory. But that perspective is incorrect. The people who will not have a victory are the American people.

I hope we come together, as I said, to pass this legislation in a bipartisan fashion to help our businesses and working families make it in America. I use those words on purpose because I have been talking about making it in America for over a decade.

I have been proud, for many years, to lead House Democrats' Make It In America plan for jobs and opportunities, a plan with three core components: infrastructure, this bill; and education, the bill to come, although this has significant training in here for workers to get good jobs and good-paying jobs. It is a plan with also another core, and that is entrepreneurship.

Infrastructure has been central to our Make It In America plan since I first put it on the table in 2010. That is because momentum has been building for these investments in infrastructure for many years. As a matter of fact, then-candidate Joe Biden called me up and said: I want to talk to you about Make It In America.

We talked about it, and it is in our Democratic platform, Make It In America.

I don't know anybody who is not for making it in America, either manufacturing, even if it is zeros and ones, or succeeding, making it in America.

Businesses, labor, economists, and State and local leaders have been clamoring for Congress to do exactly what we are about to do today with this vote. And when I say "exactly," they would like more. I think they would have liked the House bill, Mr. DEFAZIO's bill, much better. But none of us get perfect, and this is a bipartisan bill.

Our Make It In America plan has called for multiyear, fully funded authorizations to address the backlog of projects both for transportation and for water infrastructure, and that is what Mr. DEFAZIO has been leading on.

This bill includes a 5-year, \$110 billion authorization for highways, roads, and bridges; \$39 billion for transit; and \$55 billion in water infrastructure to literally get the lead out and make our water safe to drink.

It calls for making our electricity grid more resilient and more reliable, which we included in Make It In America. This bill invests \$78 billion to do exactly that and creates a new grid deployment authority to promote innovation and smart-grid technologies. That is about our national security. That is a national security demand on us.

In the Make It In America agenda, we challenged Congress to promote a modern energy infrastructure that reduces waste and incentivizes storage and alternative forms of energy for vehicles. That is what Mr. DEFAZIO did in the bill that we passed. It is not as good, I think, but that is what is in this bill.

The \$7.5 billion included in this legislation for building an electric vehicle charging infrastructure in America, particularly in rural, disadvantaged, and hard-to-reach communities, meets that challenge. That is why 40 percent of the Republicans in the United States Senate voted for it.

When House Democrats traveled across the country listening to the American people over the last few years, we heard what they need to make it in America. We heard about the need to expand access to high-speed internet, including deployment of 5G wireless infrastructure. That is what Mr. DEFAZIO did, and that is what this Senate bill does. This bill achieves those goals by including \$65 billion to bring broadband access to nearly all Americans by auctioning new spectrum for 5G wireless. That is what Whip CLYBURN was talking about, making sure that all of us can make it in America because we have access to the internet.

It is also about education, and we have called for reforms that allow for stackable credentials for students preparing for the workforce as well as those already in the workforce looking to get ahead by learning new skills.

This bill before us today includes provisions that provide States with flexibility in how they use funding to strengthen workforce development. We all talk about that. It helps more people train for in-demand skills, such as engineering.

In so many ways, the bipartisan Infrastructure Investment and Jobs Act is a product of House Democrats—Mr. DEFAZIO, Mr. SCOTT, Mr. PALLONE, Mr. NEAL—and, yes, many Republicans who have also talked about making it in America.

We have been united in promoting this agenda for 10 years, and now we have the chance to effect a large portion of it.

Mr. Trump talked about it; he just didn't do it.

This legislation, of course, is just one-half of an even larger effort, as I said, by President Biden and Democrats to achieve that objective of helping our people make it in America.

The other piece is the Build Back Better Act. That legislation, which is progressing steadily toward consideration on the floor, would enact the remainder of President Biden and Democrats' domestic agenda, including major efforts to address the climate crisis and reforms that will help millions of American families achieve economic security.

We all talk about being pro-family. That is pro-family. Childcare is pro-family. Earned income tax credit is pro-family. Expanding Medicaid is pro-family. So much. And if we are pro-family, we need to support those items.

While the bipartisan Infrastructure Investment and Jobs Act makes investments toward tackling the climate crisis, the Build Back Better Act will take the steps needed to transition our economy to clean energy in line with the President's commitment to the Paris climate agreement and Mr. DEFAZIO's bill that we passed through this House.

Where this legislation today invests in our Nation's physical infrastructure, the Build Back Better Act makes investment in America's human infrastructure.

When I go to a building and cut a ribbon at some base or whatever, I say that is very nice, this physical structure, but if we build great bricks and mortar but don't have people who can do the job, we build in vain.

In our working families, in our communities, that is what we invest in, in opportunities for hardworking Americans to get ahead.

We are moving steadily ahead with that bill, and I am hopeful that we are nearing the finish line. I look forward to bringing that bill, the Build Back Better Act, to the floor soon.

Mr. Speaker, I believe Democrats will demonstrate unity on both pieces of legislation as we put President Biden and congressional Democrats' agenda into action. Let's get it done. Vote "yes."

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself the balance of my time.

This body could and should have worked together on bipartisan legislation to improve our roads and our bridges, wastewater infrastructure, and other vital infrastructure components. But instead, the majority preferred to put us through a very highly partisan

messaging exercise. And for what? The majority leaders' grossly mismanaged process.

I have no doubt that they thought that their "my way or the highway" approach reflected all their progressive priorities, and they were mighty proud of it. But it led to the House, both Republicans and Democrats, being completely sidelined in this process. And we knew that this was the most likely outcome.

I want to highlight two key points.

The first is that today's legislation is one of the largest infrastructure bills ever before the House, but because of the Speaker's mismanagement of this entire process, the House failed to be taken seriously and failed to have any input into this bill.

The second point is that this bill is a Trojan horse for reconciliation. We all know that. Voting for this bill is a vote for Speaker PELOSI's \$3.5 trillion spending spree, and there is no way to separate the two. Even the Speaker acknowledges this, and many others as well.

Lost among all of these poor decisions is the absolute necessity to address America's real infrastructure needs. I firmly believe that the work we do on the Transportation and Infrastructure Committee is critical to the economy and to the lives of all Americans, and if the House process was bipartisan from the very start, this conversation would have been much different, but here we are. Instead of zeroing in on real infrastructure, the majority is talking about spending trillions and trillions of dollars on everything that they can think of, and I have to ask: When does it end?

Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we could have perhaps had a bipartisan bill out of the House, except for the unified rejection of climate change on the other side of the aisle.

Transportation is the largest single emitter of CO<sub>2</sub> pollution in the country. This is a critical threat to our country, to the world, and we have to deal with it.

The bill we wrote and passed would have dealt with that very meaningfully and moved us into 21st century infrastructure. This bill contains some of those elements that even the Republicans on this side would not support. EV charging, nope, not in their bill. Electric buses, nope, not in their bill. Electric school buses, nope, not in their bill. None of those things were in their bill.

In fact, their alternative, which they didn't even offer on the floor, by the way—so they don't really have an alternative—was \$350 billion for highways, status quo, with an increase in spending. No changes in policy except for the one, RODNEY DAVIS' thing, which is in the Senate bill, to gut NEPA. Then, transit flatlined over 5 years, and rail, zero—goose egg, zero.

□ 1245

No wastewater, no reconnecting communities, no drinking water, no lead pipes. And by the way, every billion we spend on wastewater or drinking water creates 20,000 good-paying jobs. No broadband in their bill. And the list goes on and on.

So we don't have a real alternative on that side of the aisle. And should they help to vote this down, they oppose it, then they have no answer. The answer is a continuing resolution, status quo, funding, flat funding.

Not dealing with the 400,000 bridges in America that need substantial repair or replacement. The 40 percent of the National Highway System which has deteriorated to the point where it has to be rebuilt from the roadbed up. The \$100 billion-dollar backlog in transit, a decrepit rail system—we just had a derailment; people died—and they are going to put zero dollars into rail in their bill.

Wastewater systems that back up into basements or flow into rivers, and water mains that burst, I mean, we have to deal with these things. It didn't used to be partisan. The problem is we also believe in dealing with climate change, and they can't admit to climate change because Donald Trump says it's a myth. And you can't defy Donald Trump on that side of the aisle. That is very, very sad.

At least these 19 Republican Senators nodded toward it. They included money for EV charging, electric buses in the bill—at least a little tiny nod. They did take up our mandatory greenhouse gas reduction program. They did take out our critical fix-it-first principles, but we will improve on the bill with new, novel programs in the reconciliation process yet to come and deal with some of those issues, deal with the greenhouse gas reductions, deal with more transit, more rail, more wastewater—in different ways. Drinking water, lead pipes, all those things will be in the reconciliation bill yet to come.

But plain and simple, the bill before us today is the infrastructure bill, the only option.

Mr. Speaker, I thank all my staff. There are too many to list in the time that I have remaining, so I include in the RECORD a list of their names.

#### CONCLUSION

Before I conclude, I want to take a moment to thank my staff—especially those who drafted the INVEST in America Act. They have spent countless days, nights and weekends working on a transformational surface transportation bill over the past two years.

I wish we were considering that bill today. But, without their hardwork and dedication we wouldn't be here and about to deliver for the America people the most significant investment in our nation's infrastructure in decades.

#### SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

Helena Zyblikewycz—Staff Director  
Jackie Schmitz  
Garrett Gee  
Brittany Lundberg  
Chris Bell

Zan Guendert

#### SUBCOMMITTEE ON RAILROADS PIPELINES AND HAZARDOUS MATERIALS

Auke Mahar-Piersma—Staff Director  
Andrea Woehbler  
Frances Bourne  
Katherine Ambrose

Mr. DEFAZIO. Mr. Speaker, they did an absolutely phenomenal job putting this whole package together—twice, two Congresses. Real legislative process on this side of the Hill. Even though the Republicans lost, they participated in the process—not so much on the other side. Some day we might get back to regular order.

Mr. Speaker, I conclude and urge my colleagues to vote in favor of this legislation, and I yield back the balance of my time.

Mr. TRONE. Mr. Speaker, I rise today on behalf of myself and my colleagues from Maryland, Representatives HOYER and RASKIN. Our State of Maryland has a proud history of innovation in satellite technology and space exploration. Greenbelt, Maryland is home to Goddard, the National Aeronautics and Space Administration's first Space Flight Center. The National Oceanic and Atmospheric Administration, which operates a fleet of weather satellites, has its headquarters in Silver Spring. Additionally, the largest provider of residential satellite broadband service, Hughes Network Systems, is headquartered in Germantown. Hughes serves consumers in some of the most rural, hard-to-reach areas of the country.

As the House considers the Infrastructure Investment and Jobs Act, we join our colleague, Sen. BEN CARDIN (D-MD) in expressing our support for satellite technology, which offers an opportunity for helping achieve our broadband deployment goals. Satellite innovators in Maryland and elsewhere have designed measures to reduce latency by using a mix of communications platforms, including low-earth orbit satellites and fixed wireless networks.

The infrastructure bill provides broadband grants for service providers that meet a "real-time, interactive" standard for permissible latency. We believe that residential satellite broadband service providers could potentially meet this standard by using a mix of geostationary and non-geostationary satellite networks or fixed wireless networks. Satellite broadband service providers that are able to meet the standard for permissible latency should be considered for broadband grants provided in the infrastructure bill. We look forward to working with our colleagues and the Department's National Telecommunications and Information Administration staff on this important issue.

Mr. MCHENRY. Mr. Speaker, I have one question. Why are we using an infrastructure bill to write the rules for new technology?

That's exactly what's happening today.

The cryptocurrency tax reporting provision in this bill will have long-lasting and harmful implications for innovation here in the U.S.

So, we need a fix. The "fix" debate started in the Senate. But it didn't go anywhere. And I said in August, if the Senate can't get it done, we'll fight it out in the House.

So, I'll be introducing a bill to put the guardrails in place to clarify the scope of the new reporting requirements.

We need to keep America at the forefront of innovation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 601, the previous question is ordered.

The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRAVES of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

#### ELIMINATING A QUANTIFIABLY UNJUST APPLICATION OF THE LAW ACT OF 2021

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1693) to eliminate the disparity in sentencing for cocaine offenses, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1693

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Eliminating a Quantifiably Unjust Application of the Law Act of 2021” or the “EQUAL Act of 2021”.

#### SEC. 2. ELIMINATION OF INCREASED PENALTIES FOR COCAINE OFFENSES WHERE THE COCAINE INVOLVED IS COCAINE BASE.

(a) CONTROLLED SUBSTANCES ACT.—The following provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) are repealed:

(1) Clause (iii) of section 401(b)(1)(A) (21 U.S.C. 841(b)(1)(A)).

(2) Clause (iii) of section 401(b)(1)(B) (21 U.S.C. 841(b)(1)(B)).

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—The following provisions of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) are repealed:

(1) Subparagraph (C) of section 1010(b)(1) (21 U.S.C. 960(b)(1)).

(2) Subparagraph (C) of section 1010(b)(2) (21 U.S.C. 960(b)(2)).

(c) APPLICABILITY TO PENDING AND PAST CASES.—

(1) PENDING CASES.—This section, and the amendments made by this section, shall apply to any sentence imposed after the date of enactment of this Act, regardless of when the offense was committed.

(2) PAST CASES.—

(A) IN GENERAL.—In the case of a defendant who, on or before the date of enactment of

this Act, was sentenced for a Federal offense described in subparagraph (B), the sentencing court may, on motion of the defendant, the Bureau of Prisons, the attorney for the Government, or on its own motion, impose a reduced sentence after considering the factors set forth in section 3553(a) of title 18, United States Code.

(B) FEDERAL OFFENSE DESCRIBED.—A Federal offense described in this subparagraph is an offense that involves cocaine base that is an offense under one of the following:

(i) Section 401 of the Controlled Substances Act (21 U.S.C. 841).

(ii) Section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960).

(iii) Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)).

(iv) Any other Federal criminal offense, the conduct or penalties for which were established by reference to a provision described in clause (i), (ii), or (iii).

(C) DEFENDANT NOT REQUIRED TO BE PRESENT.—Notwithstanding Rule 43 of the Federal Rules of Criminal Procedure, the defendant is not required to be present at any hearing on whether to impose a reduced sentence pursuant to this paragraph.

(D) NO REDUCTION FOR PREVIOUSLY REDUCED SENTENCES.—A court may not consider a motion made under this paragraph to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with this Act.

(E) NO REQUIREMENT TO REDUCE SENTENCE.—Nothing in this paragraph may be construed to require a court to reduce a sentence pursuant to this paragraph.

#### SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1693.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1693, the Eliminating a Quantifiably Unjust Application of the Law Act of 2021, or the EQUAL Act, would eliminate the unjust sentencing disparity between crack cocaine and powder cocaine offenses.

This long overdue bipartisan legislation would allow defendants who were previously convicted or sentenced for a Federal offense involving crack cocaine to petition for a sentence reduction.

In 1986, Congress passed the Anti-Drug Abuse Act, which created manda-

tory minimum penalties for drug offenses and introduced the 100:1 sentencing disparity between crack cocaine and powder cocaine offenses. This meant that a person who distributed 5 grams of crack cocaine received the same 5-year mandatory minimum sentence as a person who distributed 500 grams of the powder cocaine.

A person who distributed 50 grams of crack cocaine received the same 10-year mandatory minimum sentence as a person who distributed 5,000 grams of powder cocaine. It soon became evident that this sentencing disparity also created a significant racial disparity.

Mr. Speaker, 4 years after Congress passed the Anti-Drug Abuse Act, the average Federal sentence for Black defendants was 49 percent higher than the average sentence for White defendants. In the ensuing decades, the Sentencing Commission and many members of the law enforcement community strongly and repeatedly criticized the 100:1 ratio and urged Congress to address the disparity.

As early as 1995, the Sentencing Commission began urging Congress to rectify this unfairness. Besides the troubling racial disparities in sentencing, the Commission also expressed concern over the significant differences in punishment between street-level dealers of crack cocaine and the powder cocaine suppliers who sold the cocaine in the first instance.

Unfortunately, Congress failed to act on the Commission's proposed amendment to the sentencing guidelines to equalize the penalties for crack and powder cocaine.

From 1997 to 2007, the Commission continued to warn Congress about the unjustified ratio, noting that “there is no legislative history that explains Congress’ rationale for selecting the 100:1 drug quantity ratio for powder cocaine and crack offenses.” It provided evidence for its findings that the penalties exaggerated the relative harmfulness of crack cocaine, swept too broadly, most often applied to lower-level offenders, and mostly impacted communities of color.

Congress, however, took no action, prompting the Commission to pass an amendment to the sentencing guidelines in 2007 as a partial and modest remedy to the “urgent and compelling” problems associated with the ratio. In doing so, the Commission “unanimously and strongly urged” Congress to take actions on its recommendations and to provide a comprehensive solution.

In 2010, Congress finally acted by passing the Fair Sentencing Act, which did not eliminate the disparity, but which significantly reduced the ratio from 100:1 to 18:1. But the Fair Sentencing Act applied only to pending and future cases, leaving thousands of incarcerated people without a path to petition for relief. The First Step Act of 2018 made the Fair Sentencing Act retroactive, providing a pathway to relief for some, but not all, individuals affected by the sentencing disparity.